

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION OF: \_\_\_\_\_

**William J. Curatolo, et al.**

:

SERIAL NO.: **09/577,059**

: EXAMINER: **Choi, Frank**

FILED: **May 22, 2000**

: ART UNIT: **1616**

FOR: **Controlled-Release Dosage  
Forms of Azithromycin**

\_\_\_\_\_  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

This is in response to the Notice of Non-Compliant Amendment (the "Notice") mailed on May 24, 2006 in the above-identified application. A term of one month was given to supply the corrected section of the amendment (the claims), the originally submitted amendment having been in response to a non-Final Office action. This response is being submitted on June 6, 2006, hence is timely without the payment of an extension fee.

A copy of the corrected claims section is appended hereto, starting on its own separate sheet. The claims are the same as those previously submitted except for the correction required in the instant Notice, namely removing the strike-through language in claim 125, the language having been included by oversight in the claim summary previously submitted. It is noted that the now-deleted strike-through language (the phrase "following ingestion") was originally intended to be deleted in Applicants' response to the Office Action mailed on December 18, 2003, but was inadvertently left in the claim.


No fee is thought to be due for this submission since none was indicated in the Notice and no changes beyond correcting the item set forth in the Notice have been

made. If, however, the Commissioner determines that any fee is due (including any fee for an extension, petition for which is hereby made), please charge it to Deposit Account No. 16-1445. Two copies of this paper are enclosed.

In view of the corrections made by Applicants, it is respectfully submitted that the amendment is in condition for review.

Respectfully submitted,

Date: June 6, 2006

  
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